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COMMITTEE ON THE ELIMINATION OF
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS EIGHTEENTH SESSION

Draft report

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Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

2. Second and third periodic reports

Indonesia

1. The Committee considered the combined second and third periodic reports of Indonesia (CEDAW/C/IDN/2-3) at its 377th meeting, on 2 February 1998.

2. In introducing the reports, the representative stated that in terms of Indonesia's State ideology, the Pancasila, and the 1945 Constitution, as well as the Basic Guidelines of State Policy of 1978, women's right to equality was explicitly guaranteed. However, the de facto situation is that women remain unequal to men in terms of rights and opportunities because of a combination of traditional and cultural practices and certain laws that are contrary to the spirit, if not the letter, of the principle of equality. The view that the man is the head of the family and the woman the manager of the household reflects this.

3. The Government of Indonesia established a national machinery in 1978, well before its ratification of the Convention in 1984. In its current form, the national machinery consists of a State Ministry for the Role of Women, which operates at both the national and provincial levels and has responsibility for

policy formulation, coordination, consultation, advocacy, monitoring and evaluation of the status and of the role of women in development.

4. The representative reported that in 1994 the State Ministry had established a Planning and Foreign Affairs Unit to enhance its coordinating and advocacy capacity. Its research and outreach work was being facilitated through the establishment of women's studies centres at institutions of higher learning. Also, as a first step in engendering the national development plan, the Government had developed a profile of the status and role of women in all sectors of development. The representative noted that in spite of that progress the national machinery was still underresourced, both financially and in terms of human resources.

5. As a follow-up to the Beijing Conference, the Government had launched a national movement - the Outlook of Harmonious Gender Partnership between Men and Women in the Family, Society and Development - with a view to inculcating values of equality in the citizenry. It had also translated the Platform for Action and the Convention into local languages. However, the representative reported that the particular focus of the Government was on the four core areas of poverty eradication, education, health and empowerment.

6. In the sphere of political decision-making, the representative noted that even though there were no legal barriers to women's participation, it remained low because of traditional attitudes. The Government intended to address the situation through consultation with different sectoral ministries, institutions, non-governmental organizations and political parties.

7. Indonesia did not yet have specific laws and regulations relating to trafficking in women, but it was proposing to undertake the rehabilitation of women victims. Likewise, it was also proposing to deal with the specific issues of women's human rights within the general context of human rights violations through the newly established independent National Commission on Human Rights. There was no specific framework for dealing with violence against women. Prostitution was formally banned by the Government, but since its practice through the ages had proved very difficult to eradicate, the Government of Indonesia had taken steps to localize prostitution, that is, to leave the practice only within specifically authorized areas. The Government was also making efforts to rehabilitate women involved in prostitution.

8. Indonesia was a source of considerable migrant labour for her neighbours and the Middle East. The majority of those workers were women, mostly from rural backgrounds. They tended to face problems, including violation of rights, such as torture and rape. The Government had established a computerized system to monitor the mobility of women overseas and was intensifying the pre-departure training of women.

9. The representative stated that Indonesia would be taking concrete measures to revise gender-discriminatory legislation, to ratify United Nations human rights treaties and to sensitize the courts with regard to sexual offenders. Equal rights to inheritance between women and men had been established in a Supreme Court judgement in 1960 and polygamy had been outlawed. However, the

prevalence of socio-cultural values and traditional norms reduced the impact of the legal framework.

10. The representative reported that the current economic crisis affected both women and men, although the Government had taken measures at both the central and regional levels to provide for equal access to employment for disadvantaged women, in addition to existing efforts to encourage entrepreneurship and access to resources such as land and credit.

11. Finally, the Government intended to pursue its commitment to the advancement of women on different fronts and had set itself goals and deadlines, including the reduction of the maternal mortality rate by the end of 2018 and the near eradication of illiteracy by 1999. The Government intended to enhance the status and role of women in development as it sought to achieve a just and prosperous society.

Concluding comments of the Committee

Introduction

12. The Committee noted with satisfaction the combined second and third periodic reports of Indonesia, which were frank, detailed and demonstrated a desire to move the women's agenda forward.

13. Nonetheless, the Committee expressed disappointment that change had not taken place as fast as it should have in Indonesia. Many of the problems that had been identified during consideration of the State party's initial report remained unresolved, the prevalence of gender stereotyping being a clear and disturbing example.

14. The Committee appreciated the Government's efforts to address the large number of questions posed by the pre-session working group. However, it expressed the view that the additional information provided by the delegation in the oral presentation raised a series of additional questions.

Positive aspects

15. The Committee congratulated the Government of Indonesia for ratifying the Convention without any substantive reservations. It was considered especially commendable that Indonesia, one of the largest Muslim countries in the world, had not entered the reservations to articles 2 and 16 that many other Muslim countries had. The Committee considered this to be a reflection of a serious commitment to the principles contained in the Convention and their implementation.

16. The Committee noted with satisfaction that the Convention formed part of the domestic law of Indonesia and had been cited before courts in discrimination cases.

17. The Committee expressed approval of the fact that Indonesia had established a Ministry for Women in the 1970s, even before its ratification of the

Convention. The creation of women's studies centres was also considered to be a significant government achievement.

18. The Committee was pleased to note the role of women's non-governmental organizations in Indonesia, which had a history of strong and effective action.

19. The Committee congratulated the Government on the success of its family planning programme. The Committee saw this as an example of the Government's ability to take highly effective steps to improve the situation of women. However, some concern was expressed that the focus of the programme was so predominantly upon women and committee members emphasized the need also to take into account men's responsibility for family planning. The Committee expressed its hope that women were being offered a range of contraceptive choices, without the use of coercion of any sort.

Factors and difficulties affecting the implementation of the Convention

20. The Committee noted the current economic crisis in Indonesia and urged the Government not to allow it to become a justification for failing to implement the Convention. Particular care must be taken to ensure that the crisis did not have a particularly detrimental impact upon the lives of Indonesian women. The Committee emphasized that the advancement of women was one of the most pressing issues facing Indonesia and that failure to advance the women's agenda would result in underutilizing the resources of more than half of the population.

21. The Committee felt that the existence of cultural attitudes that confined women to the roles of mothers and housewives presented a great obstacle to the advancement of women. Policies and programmes developed on the basis of those stereotypes limited women's participation and entitlements, thereby impeding implementation of the Convention. The Committee expressed the view that cultural and religious values could not be allowed to undermine the universality of women's rights. It also stated the belief that culture was not a static concept and that the core values in Indonesian society were not inconsistent with the advancement of women. The Committee urged the Government to give serious consideration to the issue.

22. The Committee noted Indonesia's failure to collect data on certain issues that were crucial to the well-being of women, such as the prevalence of violence against women. Without such data, neither the Government nor the Committee could accurately monitor the situation of women's equality in Indonesia and the Committee could not offer recommendations as to what measures might be taken to combat the problem. This represented a serious impediment to the implementation of the Convention.

Principal areas of concern

23. The Committee was very concerned at the existence of laws that were not in accordance with the terms of the Convention. Discrimination against women existed in laws regarding:

(a) Divorce;

(b) The requirement of a husband's consent in order for a wife to obtain a passport;

(c) Marriage, in particular laws permitting polygamy, and the age for marriage;

(d) Women's access to loans and credit;

(e) Women's ability to own and inherit land;

(f) The requirement of a husband's consent in order for a wife to undergo sterilization procedures;

(g) The requirement of a husband's or family's consent in order to obtain an abortion, even where the woman's life was in danger;

(h) Women's entitlement to social, health and other benefits in the labour sector.

24. The Committee also expressed concern that there was no clear definition of discrimination in national law, although this was mitigated somewhat by the fact that the Convention could be relied upon in cases of discrimination.

25. The Committee was informed that Muslims could choose whether Islamic or civil law was to be applied to them. However, the Committee was concerned as to who decided, and to what extent Muslim women were able to choose to have civil law applied to their affairs rather than Islamic law. While the Committee was pleased to note the eradication of discrimination at the de jure level in a number of areas, including inheritance, it remained concerned about how equal the situation actually was in practice and how many women benefited from the application of civil law.

26. The Committee expressed great concern about existing social and cultural norms that recognized men as the head of the family and breadwinner and confined women to the roles of mother and wife. It was unclear what steps the Government was proposing to take to modify such attitudes, which presented a serious obstacle to the advancement of women in Indonesia and were reflected in State policy and laws. Traditional gender stereotypes were also perpetuated in formal education; textbooks had not been revised to eliminate such stereotypes.

27. The Committee was concerned about women's low rates of participation in education, as well as the high level of illiteracy among women, especially in the rural sector. Education was a basic human right and while the State had made some effort to facilitate the education of poor but gifted children, the Committee was concerned about the access of all children to education.

28. The information provided demonstrated that women were still employed in lower-paid and lower-skilled work. The predominant view appeared to be that married women might provide supplemental income for a family, but there was very little emphasis on the right of women to develop a career of their own.

29. Although the Government did not provide information on the problem of violence against women in Indonesia, the Committee saw this as an area of major concern. The Committee noted that no laws existed to combat the sexual harassment or battering of women. On the basis of information provided by other sources, the Committee was particularly concerned about the situation of women in East Timor and other volatile regions. The situation of prostitutes and women who had been trafficked was also of major concern to it.

30. The Committee was concerned that the information provided on the situation of women and armed conflict reflected a limited understanding of the problem. The Government's remarks were confined to the participation of women in the armed forces and did not address the vulnerability of women to sexual exploitation in conflict situations, as well as a range of other human rights abuses affecting women in such contexts.

31. The Committee was pleased to note the information on the situation of migrant women, which had been presented in the form of a supplement to the report. However, the Committee remained concerned about reports of the death and abuse of Indonesian migrant women abroad and felt that more information could have been provided.

32. The Committee was concerned to note that limited information had been provided on the problem of HIV/AIDS. There were no data on the extent of the problem, rates of increase or any sex-disaggregated data. The Committee was particularly concerned that the problem of HIV/AIDS was being attributed to women in prostitution. Concern was also expressed about programmes designed to "clean the city streets" of prostitutes whenever there was a major international event in Jakarta. Information provided to the Committee by other sources suggested that women taken off the streets had been subjected to forced vaginal examinations.

33. The Committee raised the following questions, which should be addressed in the fourth periodic report submitted by Indonesia:

(a) With regard to the government-supported women's studies centres, who are the staff? Are they formally trained in women's studies and are they informed of the Convention's provisions?

(b) Information was provided as to the provision of child-care services and other support for women, but it remained unclear how widespread this support was. Also, how are men being socialized regarding their parental responsibilities?

(c) How has the Government responded to the deaths and abuse of Indonesian women who have migrated abroad? What assistance is provided to these women and/or their families? What government mechanisms of support <u>in situ</u> are available in cases of such emergencies involving women migrants?

(d) What is being done to address the problem of prostitution? Is prostitution officially tolerated and are any efforts being made to prevent it? What steps have been taken to re-socialize the clients of prostitutes?

(e) What is the incidence of migration-related and prostitution-related trafficking of women within Indonesia and abroad?

(f) What is the extent of the problem of violence against women, in particular against women involved in trade unions and against women in areas affected by conflict?

(g) With respect to the labour policy guidelines of 1983 and 1993, why was the qualifier "in their capacity as women and as human resources" added?

(h) Are social security benefits the same for men and women?

(i) In view of the emphasis on women in their roles as mothers and wives, what is the situation of female-headed households in Indonesia? What measures has the Government taken to assist them?

(j) What is the current rate of unemployment among women in Indonesia? How have women been affected by the present economic crisis?

(k) What efforts are made to include non-governmental organizations in policy debates and other matters related to the advancement of women?

(l) How does the Government plan to reconcile existing social and cultural attitudes with the aims of the Convention?

(m) What efforts are made to ensure the rights of minority groups to education and to preserve their cultural heritage?

Suggestions and recommendations

34. The Committee urges the Government to collect, as a matter of priority, data on the extent of the problem of violence against women in Indonesia, as well as the sources of such violence. The Committee also emphasizes the need for the gender sensitization of authorities responding to violence against women.

35. The Committee recommends that the Government give priority to hastening the pace of progress on women's issues in Indonesia. The Committee urges the Government to take stronger measures to address the contradiction that exists at present between the Government's stated commitment to the principles contained in the Convention and the actual situation facing women in Indonesia.

36. The Committee recommends that in Indonesia's fourth periodic report efforts be made to consolidate the written replies with other parts of the presentation, to avoid overlap and to enable the Committee to spend more time in dialogue with the State party. The Committee also requests that the report pay particular attention to the priority areas identified in the questions of the Committee.

37. The Committee urges the Government to take immediate steps to eradicate the practice of polygamy in Indonesia and to change the other discriminatory laws identified by the Committee.

38. The Committee noted that Indonesia is the current Chair of the G-77 meetings and urged it to take steps to incorporate a gender perspective into the meetings.

39. The Committee requests the Government of Indonesia to disseminate widely, throughout Indonesia, the present comments so that individuals are aware of the measures that have been taken to implement the Convention and the remaining steps that are required to achieve de facto equality for women.